

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**BLANCA AGUIRRE AS §
DEPENDENT ADMINISTRATOR §
AND REPRESENTATIVE OF THE §
ESTATE OF JESSE AGUIRRE, §
DECEASED, BLANCA AGUIRRE, §
INDIVIDUALLY, AND BLANCA §
AGUIRRE AS NEXT FRIEND OF §
JESSE AGUIRRE, JR., §**

Plaintiffs, §

VS. §

CASE NO. 5:15-CV-00371-DAE

**OFFICER CRISTINA GONZALES, §
OFFICER ROBERTO MENDEZ, §
OFFICER JENNIFER MORGAN, §
AND §
OFFICER BETTINA ARREDONDO, §**

Defendants. §

**JOINT MOTION TO ENTER AGREED ORDER APPROVING
SETTLEMENT AND DEPOSITING FUNDS DUE TO MINOR INTO
COURT'S REGISTRY**

Come now, *Plaintiff* BLANCA AGUIRRE AS DEPENDENT ADMINISTRATOR AND REPRESENTATIVE OF THE ESTATE OF JESSE AGUIRRE, DECEASED, BLANCA AGUIRRE, INDIVIDUALLY, AND BLANCA AGUIRRE AS NEXT FRIEND OF JESSE AGUIRRE, JR., A MINOR, and *Defendants*, OFFICER CRISTINA GONZALES, OFFICER ROBERTO MENDEZ,

OFFICER JENNIFER MORGAN, AND OFFICER BETTINA ARREDONDO (collectively, the “parties”), and hereby file this Joint Motion to Enter Agreed Order Approving Settlement and Depositing Funds Due to Minor into the Court’s Registry, and would respectfully show unto the Court as follows:

I. BACKGROUND

1. On May 10, 2022, the parties filed a Joint Advisory to notify the Court that the parties had just achieved a conditional settlement of all claims in this case. [Docket No. 134]. The settlement was expressly conditioned on the approval of the settlement by the City of San Antonio’s City Council.
2. On May 19, 2022, Plaintiffs filed a motion to approve settlement in Bexar County Probate Court No. 1 (“Probate Court”) in accordance with Section 351.051(a)(4) of the Texas Estates Code (requiring the personal representative of an estate obtain the probate court’s authorization to approve a settlement on behalf of an estate).
3. On May 20, 2022, in accordance with the instructions of the Probate Court’s staff attorney, Plaintiffs filed an application for temporary guardianship for minor Plaintiff Jesse Aguirre, Jr. (required by the Probate Court before it would consider the settlement).
4. On May 23, 2022, the Probate Court appointed Shekinah Hammonds Davis (State Bar No. 24069092) as Attorney Ad Litem for Jesse Aguirre, Jr. to represent

the minor's interest in the application for temporary guardianship regarding the conditional settlement.

5. On May 25, 2022, the Court issued an Order granting the parties' Joint Motion for Extension of the Deadline to Submit Settlement Papers, extending the deadline until July 15, 2022. [Docket No. 139].

6. On June 9, 2022, the City of San Antonio's City Council unanimously approved the conditional settlement.

7. On June 16, 2022, the Probate Court held a hearing regarding the application for temporary guardianship and the settlement. The Probate Court found the establishment of a temporary guardianship unnecessary and, on the Probate Court's own motion, without objection, entered an Order Expanding Authority of Attorney Ad Litem to approve the settlement on behalf of Jesse Aguirre, Jr. and the depositing of the settlement funds designated to Jesse Aguirre, Jr., less attorney fees, costs, and expenses, into the registry of the United States District Court Clerk's Office.

8. After reviewing the settlement terms and documents in considering the best interest of minor Plaintiff Jesse Aguirre, Jr., the Attorney Ad Litem for Jesse Aguirre, Jr. found that approving the settlement and depositing the settlement funds designated to Jesse Aguirre, Jr., less attorney fees, costs, and expenses, into the registry of the United States District Court Clerk's Office, are in the best interest of minor Plaintiff Jesse Aguirre, Jr.

9. On July 1, 2022, Plaintiffs filed an agreed amended motion and agreed order, granting said motion, in the Probate Court to authorize the settlement for the Estate of Jesse Aguirre, Deceased, and minor Jesse Aguirre, Jr., each being agreed to and signed by the Attorney Ad Litem for Jesse Aguirre, Jr.

II. PROBATE COURT'S ORDER

10. On July 5, 2022, the Probate Court granted the agreed order to authorize the settlement for the Estate of Jesse Aguirre, Deceased, and minor Jesse Aguirre, Jr., which is *attached* hereto.

III. STIPULATION OF DISMISSAL – TO COME

11. The parties have agreed to enter a stipulation of dismissal after the settlement funds are received by Plaintiffs. Should the settlement funds not be received by the Court's current deadline of July 15, 2022, the parties will file the stipulation of dismissal as soon as practicable after the settlement funds are received by Plaintiffs.

IV. DEPOSITING SETTLEMENT FUNDS DUE TO MINOR IN COURT'S REGISTRY

12. Once the settlement funds are received, Plaintiffs will proceed to deposit all settlement sums, less attorney fees, expenses and costs of court, due to minor Plaintiff Jesse Aguirre, Jr. into the registry of the United States District Court. The Clerk of the Court shall hold these funds in an interest-bearing account of a federally insured financial institution. The funds shall be released upon written motion to the United States District Court after minor Plaintiff Jesse Aguirre, Jr. attains the age of

majority.

PRAYER

WHEREFORE, premises considered, the parties request the Court grant this Joint Motion to Enter Agreed Order Approving Settlement and Depositing Funds Due to Minor into the Court's Registry.

Respectfully Submitted,

By: /s/ Edward L. Piña

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COUNSEL FOR PLAINTIFFS *Blanca Aguirre as Dependent Administrator and Representative of the Estate of Jesse Aguirre, Deceased, Blanca Aguirre, Individually, and Blanca Aguirre as Next Friend of Jesse Aguirre, Jr.*

AND

By: 

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